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05/19/2023
Sara Calkins
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
40A-0558-R-2022
Lockman, Melissa
11.00

IN THE WATER COURT OF THE STATE OF MONTANA LOWER MISSOURI DIVISION MUSSELSHELL RIVER ABOVE ROUNDUP BASIN (40A) PRELIMINARY DECREE

* * * * * * * * * * * * * * * * * * * *

CLAIMANTS: George L. Cremer; Leo J. Cremer Jr.;

MC Land & Livestock Inc.

OBJECTOR: Cremer Rodeo Land & Livestock Co.

CASE 40A-0558-R-2022

40A 136261-00	40A 179882-00
40A 136265-00	40A 179883-00
40A 179810-00	40A 179886-00
40A 179811-00	40A 179889-00
40A 179818-00	40A 179891-00
40A 179868-00	40A 179892-00
40A 179881-00	40A 181245-00

NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Montana Water Court on the above stamped date. <u>Please review this report carefully.</u>

You may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusions of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

MASTER'S REPORT

The above-captioned claims appeared in the Preliminary Decree for the Musselshell River above Roundup (Basin 40A) issued on June 7, 2017. Claims 40A

179810-00 and 40A 179811-00 are owned by MC Land & Livestock Inc. The remaining claims are co-owned by George Cremer and Leo Cremer Jr. Cremer Rodeo Land & Livestock Co. objected to each claim.

FINDINGS OF FACT

1. On March 23, 2023, Objector withdrew their objections to claims 40A 136261-00, 40A 136265-00, 40A 179810-00, 40A 179811-00, 40A 179818-00, 40A 179868-00, 40A 179882-00, 40A 179889-00, and 40A 179891-00. (Doc. 1 8.00).

Priority Date Objections

40A 179881-00

- 2. Claim 40A 179881-00 appeared in the Basin 40A Preliminary Decree as a claim for stock drinking directly from a spring in the NWNWSE, Section 12, T3N, R17E, Sweet Grass County.
- 3. The claim was decreed with a priority date of January 25, 1964. The Statement of Claim listed 1963 as the priority date, based on the Notice of Completion of Groundwater Appropriation attached to the Statement of Claim. The type of right was set as "filed".
- 4. The priority date was modified during DNRC verification to the date the Notice of Completion was filed January 25, 1964.
 - 5. Cremer Rodeo Land & Livestock Co. objected to the priority date, stating:

Nelson Story arrived in Livingston, Montana including area of this ranch in December 1866 with over 600 head of cattle from Texas (The Crazy Mountain Museum and the Big Sky Words website). The first ranchers on the Musselshell were William Gordon and Perry, Sanford, and John Moore. William Gordon brought a small group of cattle to the Upper Musselshell in 1870 to winter there and by 1885 had over 1,200 head of cattle (Milton Ranch History). John Murphy started the 79 Ranch in 1879 and had over 10,000 head of cattle in the Musselshell drainage by 1883 Milton Ranch History. The priority date of this claim should be changed from 01/25/1964 to 12/31/1866. Livestock have been watering at the location of this claim to the present time. The source name also requires correction, the spring does not flow into a named source.

- 6. On July 19, 2022, the Court ordered Objector Cremer Rodeo Land & Livestock Co. to file evidence supporting their objections to the priority dates.
- 7. On August 31, 2022, counsel for the parties requested an extension to complete ownership updates and file the requested documents. The extension requested was granted.

¹ "Doc." numerical references correlate to case file docket numbers in the Water Court's Full Court case management system.

- 8. On September 23, 2022, counsel for the parties again stated that they were finalizing affidavits in support of the objections and requested an additional 14 days to file the affidavits and allow ownership updates to be processed.
- 9. On December 9, 2022, counsel for the parties file a status report indicating an ownership update form was filed with the DNRC and stating that "Coulee Creek Land & Livestock and Sure Shot Land Company will file documents to resolve the objections filed by the previous owner." Nothing was filed.
- 10. On March 8, 2023, the Court ordered Objector to show cause why their objection to claim 40A 179881-00 should not be dismissed. The Order stated that "[i]f nothing is filed by the deadline, the objections will be dismissed."
- 11. Nothing was filed to support the objection to 40A 179881-00. 40A 179883-00
- 12. Claim 40A 179883-00 appeared in the Basin 40A Preliminary Decree as a claim for stock drinking directly from a spring in the NENESE of Section 2, T3N, R17E, Sweet Grass County.
- 13. The claim was decreed with a priority date of January 25, 1964. The Statement of Claim listed 1963 as the priority date, based on the Notice of Completion of Groundwater Appropriation attached to the Statement of Claim. The type of right was set as "filed".
- 14. The priority date was modified during DNRC verification to the date the Notice of Completion was filed January 25, 1964.
 - 15. Cremer Rodeo Land & Livestock Co. objected to the priority date, stating:

Nelson Story arrived in Livingston, Montana including area of this ranch in December 1866 with over 600 head of cattle from Texas (The Crazy Mountain Museum and the Big Sky Words website). The first ranchers on the Musselshell were William Gordon and Perry, Sanford, and John Moore. William Gordon brought a small group of cattle to the Upper Musselshell in 1870 to winter there and by 1885 had over 1,200 head of cattle (Milton Ranch History). John Murphy started the 79 Ranch in 1879 and had over 10,000 head of cattle in the Musselshell drainage by 1883 Milton Ranch History. The priority date of this claim should be changed from 01/25/1964 to 12/31/1866. Livestock have been watering at the location of this claim to the present time. The source name also requires correction, the spring does not flow into a named source.

- 16. On March 23, 2023, Objector filed an affidavit from Matt Cremer. (Doc. 9.00).
- 17. The affidavit includes a screenshot of the land patent for the SE, S2NE, and Lot/Tract 1 of Section 2, T3N, R17E, Sweet Grass County granted to Barbara E. Mitchell on October 15, 1918.
 - 18. Mr. Cremer states that:

My family has continuously grazed livestock on the land located at the place of use and point of diversion for this claim since 1915. Based on the land patent for the point of diversion and place of use for this claim and the continuous historical use by my family, the priority date should be modified from 1/25/1964 to 10/15/1918.

40A 179886-00

- 19. Claim 40A 179886-00 appeared in the Basin 40A Preliminary Decree as a claim for stock drinking directly from a spring in the NESENE of Section 2, T3N, R17E, Sweet Grass County.
- 20. The claim was decreed with a priority date of January 25, 1964. The Statement of Claim listed 1963 as the priority date, based on the Notice of Completion of Groundwater Appropriation attached to the Statement of Claim. The type of right was set as "filed".
- 21. The priority date was modified during DNRC verification to the date the Notice of Completion was filed January 25, 1964.
 - 22. Cremer Rodeo Land & Livestock Co. objected to the priority date, stating:

Nelson Story arrived in Livingston, Montana including area of this ranch in December 1866 with over 600 head of cattle from Texas (The Crazy Mountain Museum and the Big Sky Words website). The first ranchers on the Musselshell were William Gordon and Perry, Sanford, and John Moore. William Gordon brought a small group of cattle to the Upper Musselshell in 1870 to winter there and by 1885 had over 1,200 head of cattle (Milton Ranch History). John Murphy started the 79 Ranch in 1879 and had over 10,000 head of cattle in the Musselshell drainage by 1883 Milton Ranch History. The priority date of this claim should be changed from 01/25/1964 to 12/31/1866. Livestock have been watering at the location of this claim to the present time. The source name also requires correction, the spring does not flow into a named source.

- 23. The affidavit includes a screenshot of the land patent for the S2NE of Section 2, T3N, R17E, Sweet Grass County granted to Barbara E. Mitchell on October 15, 1918.
 - 24. Mr. Cremer states that:

My family has continuously grazed livestock on the land located at the place of use and point of diversion for this claim since 1915. Based on the land patent for the point of diversion and place of use for this claim and the continuous historical use by my family, the priority date should be modified from 1/25/1964 to 10/15/1918.

40A 179892-00

- 25. Claim 40A 179892-00 appeared in the Basin 40A Preliminary Decree as a claim for stock drinking directly from a spring in the NWSWSE of Section 10, T3N, R17E, Sweet Grass County.
- 26. The claim was decreed with a priority date of January 25, 1964. The Statement of Claim listed 1963 as the priority date, based on the Notice of Completion of Groundwater Appropriation attached to the Statement of Claim. The type of right was set as "filed".

- 27. The priority date was modified during DNRC verification to the date the Notice of Completion was filed January 25, 1964.
 - 28. Cremer Rodeo Land & Livestock Co. objected to the priority date, stating:

Nelson Story arrived in Livingston, Montana including area of this ranch in December 1866 with over 600 head of cattle from Texas (The Crazy Mountain Museum and the Big Sky Words website). The first ranchers on the Musselshell were William Gordon and Perry, Sanford, and John Moore. William Gordon brought a small group of cattle to the Upper Musselshell in 1870 to winter there and by 1885 had over 1,200 head of cattle (Milton Ranch History). John Murphy started the 79 Ranch in 1879 and had over 10,000 head of cattle in the Musselshell drainage by 1883 Milton Ranch History. The priority date of this claim should be changed from 01/25/1964 to 12/31/1866. Livestock have been watering at the location of this claim to the present time. The source name also requires correction, the spring does not flow into a named source.

- 29. The affidavit includes a screenshot of the land patent for the E2 of Section 10, T3N, R18E, Sweet Grass County granted to Nellie B. Madden on July 23, 1915.
 - 30. Mr. Cremer states that:

My family has continuously grazed livestock on the land located at the place of use and point of diversion for this claim since 1915. Based on the land patent for the point of diversion and place of use for this claim and the continuous historical use by my family, the priority date should be modified from 1/25/1964 to 7/23/1915.

40A 181245-00

- 31. Claim 40A 181245-00 appeared in the Basin 40A Preliminary Decree as a claim for stock drinking directly from a spring in the NWSWNW of Section 10, T3N, R17E, Sweet Grass County.
- 32. The claim was decreed with a priority date of January 25, 1964. The Statement of Claim listed 1963 as the priority date, based on the Notice of Completion of Groundwater Appropriation attached to the Statement of Claim. The type of right was set as "filed".
- 33. The priority date was modified during DNRC verification to the date the Notice of Completion was filed January 25, 1964.
 - 34. Cremer Rodeo Land & Livestock Co. objected to the priority date, stating:

Nelson Story arrived in Livingston, Montana including area of this ranch in December 1866 with over 600 head of cattle from Texas (The Crazy Mountain Museum and the Big Sky Words website). The first ranchers on the Musselshell were William Gordon and Perry, Sanford, and John Moore. William Gordon brought a small group of cattle to the Upper Musselshell in 1870 to winter there and by 1885 had over 1,200 head of cattle (Milton Ranch History). John Murphy started the 79 Ranch in 1879 and had over 10,000 head of cattle in the Musselshell drainage by 1883 Milton Ranch History. The priority date of this claim should be changed from 01/25/1964 to 12/31/1866. Livestock have been watering at the location of this claim to the present time. The source name also requires correction, the spring does not flow into a named source.

- 35. The affidavit includes a screenshot of the land patent for the E2 of Section 10, T3N, R18E, Sweet Grass County granted to Nellie B. Madden on July 23, 1915.
 - 36. Mr. Cremer states that:

My family has continuously grazed livestock on the land located at the place of use and point of diversion for this claim since 1915. Based on the land patent for the point of diversion and place of use for this claim and the continuous historical use by my family, the priority date should be modified from 1/25/1964 to 7/23/1915.

37. However, the land patent does not cover the point of diversion and place of use for claim 40A 181245-00. The affidavit does not explain why a land patent in the E2 of Section 10, T3N, R18E, Sweet Grass County supports use in the NW of Section 10, other than the patent is "in the area of the point of diversion and place of use." The beginning of the affidavit also has a general statement that:

Stock had been grazed on this land prior to our family. Part of this land was part of the historic 79 Ranch Company and was grazed as early as 1879. Livestock were grazed throughout these sections historically and were not fenced from the springs, streams or tanks. Livestock have been grazed in these sections continuously prior to and throughout our ownership.

Source Name Objections

47. Claim 40A 179882-00 received the following notice-type issue remark:

SOURCE NAME WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

48. Objector filed objections to the source name of claims 40A 179854-00, 40A 179856-00, 40A 179860-00, 40A 179861-00, 40A 181243-00, 40A 181244-00, and 40A 181247-00, as follows:

The source name also requires correction, this spring does not flow into a named source.

49. Springs, even those that do not flow into a named source, are named using the first downstream or down gradient named source. According to the DNRC Claims Examination Manual:

 c. <u>Unnamed Springs:</u> A claimed spring without a name or with a
claimed name that does not meet the acceptable standardization criteria is considered an
unnamed spring. To establish a standard source name, identify the first downstream (or
down gradient, if not connected) named source, even if far away from the spring. This puts
the spring in a sub-basin, enhancing the usefulness of the database. Rule 11(c)(3),
W.R.C.E.R.

All unnamed springs will be standardized on the worksheet to "Spring, Unnamed Tributary of ______" (using the first down gradient named source). Attach the spring to an

unnamed tributary even if not apparently connected such as an ephemeral stream. Rule 11 (c)(3), W.R.C.E.R.

See Claims Examination Manual, VI, D.6.c.

PRINCIPLES OF LAW

- 1. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA; Rule 10, W.R.Adj.R.
- 2. Prima facie proof may be contradicted and overcome by a preponderance of the evidence. Rule 19, W.R.Adj.R.

- 3. A preponderance of the evidence is evidence that shows a fact is "more probable than not." *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 438, 240 P.3d 628.
- 4. If prima facie status is overcome, the burden shifts back to the claimant to demonstrate historical use. *79 Ranch v. Pitsch*, 204 Mont. 426, 432-33, 666 P.2d 215, 218 (1983).
- 5. The party seeking to overcome the prima facie status of a Statement of Claim bears the burden of proof. *Nelson v. Brooks*, 2014 MT 120, ¶¶ 34, 37, 375 Mont. 86, 329 P.3d 558.
- 6. Sanctions applied against objectors and intervenors may include dismissal of the objector or intervenor from the proceeding. Rule 22, W.R.Adj.R.

CONCLUSIONS OF LAW

1. The objections to claims 40A 136261-00, 40A 136265-00, 40A 179810-00, 40A 179811-00, 40A 179818-00, 40A 179868-00, 40A 179882-00, 40A 179889-00, and 40A 179891-00 should be dismissed and the elements should remain as they appeared in the Basin 40A Preliminary Decree.

Priority Date Objections

40A 179881-00

2. Based on Rule 22, W.R.Adj.R., the objection to claim 40A 179881-00 should be dismissed. The elements of claim 40A 179881-00 should remain as they appeared in the Basin 40A Preliminary Decree.

40A 179883-00

3. Objector provided thin but sufficient evidence to meet their burden of overcoming the initial claim filing by a preponderance of the evidence. The priority date should be modified to October 15, 1918. Because the claim is no longer based on the groundwater filing, the type of right should be modified to "use".

40A 179886-00

4. Objector provided thin but sufficient evidence to meet their burden of overcoming the initial claim filing by a preponderance of the evidence. The priority date should be modified to October 15, 1918. Because the claim is no longer based on the groundwater filing, the type of right should be modified to "use".

40A 179892-00

- 5. Objector provided thin but sufficient evidence to meet their burden of overcoming the initial claim filing by a preponderance of the evidence. The priority date should be modified to July 23, 1915. Because the claim is no longer based on the groundwater filing, the type of right should be modified to "use".

 40A 181245-00
- 6. Objector did not overcome the prima facie status of claim 40A 181245-00. The affidavit requests the priority date be modified to July 23, 1915 based on the land patent, however the land patent does not cover the point of diversion and place of use. Objector also did not provide sufficient other evidence supporting continuous livestock use at the point of diversion and place of use. The priority date for claim 40A 181245-00 should remain as it appeared in the Basin 40A Preliminary Decree.

Source Name Objections

- 7. Objector did not overcome the prima facie status of the source name for any of the above-captioned claims. The claimed springs were named in accordance with the Claims Examination Manual to enhance the usefulness of the DNRC database. The source names should remain as they appeared in the Basin 40A Preliminary Decree and the objections should be dismissed.
- 8. The source notice-type issue remark on claim 40A 179882-00 served its notice purpose and should be removed from the claim abstract.

RECOMMENDATIONS

Based on the foregoing Findings of Fact and Conclusions of Law, this Master recommends that the Court adopt the changes as outlined above.

A post decree abstract of each water right claim reflecting the recommended dismissals and changes is attached to this Report.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

George L. Cremer PO Box 276 Melville, MT 59055

Leo J. Cremer Jr. MC Land & Livestock Inc. 241 S. Frontage Road Big Timber, MT 59011

Service Via Electronic Mail:

Colleen Coyle Coyle Law Firm 141 Discovery Drive, Suite 215 Bozeman, MT 59771 (406) 570-2740 colleen@coylelawmt.com

ABSTRACT OF WATER RIGHT CLAIM

MUSSELSHELL RIVER, ABOVE ROUNDUP

BASIN 40A

Water Right Number: 40A 136261-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: GEORGE L CREMER

PO BOX 276

MELVILLE, MT 59055 0276

LEO J CREMER JR

241 S. FRONTAGE ROAD BIG TIMBER, MT 59011 8030

Priority Date: JANUARY 25, 1964

Type of Historical Right: FILED

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS

OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM.
THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY

TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR

STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND

HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: SPRING, UNNAMED TRIBUTARY OF SIMMONS CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

ID Govt Lot Otr Sec Sec Twp Rge County

1 SWNESE 23 4N 16E SWEET GRASS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: FLOWING

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u> <u>Acres Govt Lot Qtr Sec Sec Twp Rge County</u>

1 NESE 23 4N 16E SWEET GRASS

ABSTRACT OF WATER RIGHT CLAIM

MUSSELSHELL RIVER, ABOVE ROUNDUP

BASIN 40A

Water Right Number: 40A 136265-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: GEORGE L CREMER

PO BOX 276

MELVILLE, MT 59055 0276

LEO J CREMER JR

241 S. FRONTAGE ROAD BIG TIMBER, MT 59011 8030

Priority Date: JANUARY 25, 1964

Type of Historical Right: FILED

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS

OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY

TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR

STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND

HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: SPRING, UNNAMED TRIBUTARY OF SIMMONS CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

ID Govt Lot Otr Sec Sec Twp Rge County

1 SENESE 23 4N 16E SWEET GRASS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: FLOWING

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

ID Acres Govt Lot Qtr Sec Sec Twp Rge County

1 NESE 23 4N 16E SWEET GRASS

ABSTRACT OF WATER RIGHT CLAIM

MUSSELSHELL RIVER, ABOVE ROUNDUP

BASIN 40A

Water Right Number: 40A 179810-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: MC LAND & LIVESTOCK INC

241 S FRONTAGE RD

BIG TIMBER, MT 59011 8030

Priority Date: JANUARY 25, 1964

Type of Historical Right: FILED

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS

OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY

TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR

STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND

HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: SPRING, UNNAMED TRIBUTARY OF SIMMONS CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

ID Govt Lot Otr Sec Sec Twp Rge County

1 NWNWSE 21 4N 17E SWEET GRASS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: FLOWING

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

ID Acres Govt Lot Otr Sec Sec Twp Rge County

1 NWSE 21 4N 17E SWEET GRASS

ABSTRACT OF WATER RIGHT CLAIM

MUSSELSHELL RIVER, ABOVE ROUNDUP

BASIN 40A

Water Right Number: 40A 179811-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: MC LAND & LIVESTOCK INC

241 S FRONTAGE RD

BIG TIMBER, MT 59011 8030

Priority Date: JANUARY 25, 1964

Type of Historical Right: FILED

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS

OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY

TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR

STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND

HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: SPRING, UNNAMED TRIBUTARY OF SIMMONS CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

ID Govt Lot Otr Sec Sec Twp Rge County

1 SWSWSW 21 4N 17E SWEET GRASS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: FLOWING

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

ID Acres Govt Lot Otr Sec Sec Twp Rge County

1 SWSW 21 4N 17E SWEET GRASS

ABSTRACT OF WATER RIGHT CLAIM

MUSSELSHELL RIVER, ABOVE ROUNDUP

BASIN 40A

Water Right Number: 40A 179818-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: GEORGE L CREMER

PO BOX 276

MELVILLE, MT 59055 0276

LEO J CREMER JR

241 S. FRONTAGE ROAD BIG TIMBER, MT 59011 8030

Priority Date: JANUARY 25, 1964

Type of Historical Right: FILED

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS

OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY

TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR

STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND

HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: SPRING, UNNAMED TRIBUTARY OF SIMMONS CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

ID Govt Lot Qtr Sec Sec Twp Rge County

1 SESWNW 29 4N 17E SWEET GRASS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: FLOWING

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

ID Acres Govt Lot Otr Sec Sec Twp Rge County

1 SWNW 29 4N 17E SWEET GRASS

ABSTRACT OF WATER RIGHT CLAIM

MUSSELSHELL RIVER, ABOVE ROUNDUP

BASIN 40A

Water Right Number: 40A 179868-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: GEORGE L CREMER

PO BOX 276

MELVILLE, MT 59055 0276

LEO J CREMER JR

241 S. FRONTAGE ROAD BIG TIMBER, MT 59011 8030

Priority Date: JANUARY 25, 1964

Type of Historical Right: FILED

Purpose (use): STOCK

Flow Rate: 5.00 GPM

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR

STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND

HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: SPRING, UNNAMED TRIBUTARY OF SOUTH FORK BIG COULEE CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

ID Govt Lot Qtr Sec Sec Twp Rge County

1 NENENE 12 3N 17E SWEET GRASS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: FLOWING

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u> <u>Acres Govt Lot Qtr Sec Sec Twp Rge County</u>

1 NENENE 12 3N 17E SWEET GRASS

ABSTRACT OF WATER RIGHT CLAIM

MUSSELSHELL RIVER, ABOVE ROUNDUP

BASIN 40A

Water Right Number: 40A 179881-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: GEORGE L CREMER

PO BOX 276

MELVILLE, MT 59055 0276

LEO J CREMER JR

241 S. FRONTAGE ROAD BIG TIMBER, MT 59011 8030

Priority Date: JANUARY 25, 1964

Type of Historical Right: FILED

Purpose (use): STOCK

Flow Rate: 5.00 GPM

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR

STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND

HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: SPRING, UNNAMED TRIBUTARY OF SOUTH FORK BIG COULEE CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

ID Govt Lot Qtr Sec Sec Twp Rge County

1 NWNWSE 12 3N 17E SWEET GRASS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: FLOWING

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u> <u>Acres Govt Lot Qtr Sec Sec Twp Rge County</u>

1 NWNWSE 12 3N 17E SWEET GRASS

ABSTRACT OF WATER RIGHT CLAIM

MUSSELSHELL RIVER, ABOVE ROUNDUP

BASIN 40A

Water Right Number: 40A 179882-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: GEORGE L CREMER

PO BOX 276

MELVILLE, MT 59055 0276

LEO J CREMER JR

241 S. FRONTAGE ROAD BIG TIMBER, MT 59011 8030

Priority Date: JANUARY 25, 1964

Type of Historical Right: FILED

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS

OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM.
THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY

TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR

STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND

HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: SPRING, UNNAMED TRIBUTARY OF SOUTH FORK BIG COULEE CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

ID Govt Lot Otr Sec Sec Twp Rge County

1 SESESE 1 3N 17E SWEET GRASS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: FLOWING

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

ID Acres Govt Lot Otr Sec Sec Twp Rge County

1 SESESE 1 3N 17E SWEET GRASS

ABSTRACT OF WATER RIGHT CLAIM

MUSSELSHELL RIVER, ABOVE ROUNDUP

BASIN 40A

Water Right Number: 40A 179883-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: GEORGE L CREMER

PO BOX 276

MELVILLE, MT 59055 0276

LEO J CREMER JR

241 S. FRONTAGE ROAD BIG TIMBER, MT 59011 8030

Priority Date: OCTOBER 15, 1918

Type of Historical Right: USE

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS

OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM.
THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY

TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR

STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND

HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: SPRING, UNNAMED TRIBUTARY OF BIG COULEE CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

ID Govt Lot Otr Sec Sec Twp Rge County

1 NENESE 2 3N 17E SWEET GRASS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: FLOWING

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

ID Acres Govt Lot Otr Sec Sec Twp Rge County

1 NENESE 2 3N 17E SWEET GRASS

ABSTRACT OF WATER RIGHT CLAIM

MUSSELSHELL RIVER, ABOVE ROUNDUP

BASIN 40A

Water Right Number: 40A 179886-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: GEORGE L CREMER

PO BOX 276

MELVILLE, MT 59055 0276

LEO J CREMER JR

241 S. FRONTAGE ROAD BIG TIMBER, MT 59011 8030

Priority Date: OCTOBER 15, 1918

Type of Historical Right: USE

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS

OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM.
THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY

TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR

STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND

HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: SPRING, UNNAMED TRIBUTARY OF BIG COULEE CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

ID Govt Lot Otr Sec Sec Twp Rge County

1 NESENE 2 3N 17E SWEET GRASS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: FLOWING

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

ID Acres Govt Lot Otr Sec Sec Twp Rge County

1 NESENE 2 3N 17E SWEET GRASS

ABSTRACT OF WATER RIGHT CLAIM

MUSSELSHELL RIVER, ABOVE ROUNDUP

BASIN 40A

Water Right Number: 40A 179889-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: GEORGE L CREMER

PO BOX 276

MELVILLE, MT 59055 0276

LEO J CREMER JR

241 S. FRONTAGE ROAD BIG TIMBER, MT 59011 8030

Priority Date: JANUARY 25, 1964

Type of Historical Right: FILED

Purpose (use): STOCK

Flow Rate: 5.00 GPM

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR

STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND

HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: SPRING, UNNAMED TRIBUTARY OF SOUTH FORK BIG COULEE CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

ID Govt Lot Qtr Sec Sec Twp Rge County

1 SWNWNW 17 3N 18E SWEET GRASS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: FLOWING

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u> <u>Acres Govt Lot Qtr Sec Sec Twp Rge County</u>

1 SWNWNW 17 3N 18E SWEET GRASS

ABSTRACT OF WATER RIGHT CLAIM

MUSSELSHELL RIVER, ABOVE ROUNDUP

BASIN 40A

Water Right Number: 40A 179891-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: GEORGE L CREMER

PO BOX 276

MELVILLE, MT 59055 0276

LEO J CREMER JR

241 S. FRONTAGE ROAD BIG TIMBER, MT 59011 8030

Priority Date: JANUARY 25, 1964

Type of Historical Right: FILED

Purpose (use): STOCK

Flow Rate: 5.00 GPM

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR

STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND

HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: SPRING, UNNAMED TRIBUTARY OF SOUTH FORK BIG COULEE CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

ID Govt Lot Otr Sec Sec Twp Rge County

1 NWNENW 9 3N 18E SWEET GRASS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: FLOWING

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u> <u>Acres Govt Lot Qtr Sec Sec Twp Rge County</u>

1 NWNENW 9 3N 18E SWEET GRASS

ABSTRACT OF WATER RIGHT CLAIM

MUSSELSHELL RIVER, ABOVE ROUNDUP

BASIN 40A

Water Right Number: 40A 179892-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: GEORGE L CREMER

PO BOX 276

MELVILLE, MT 59055 0276

LEO J CREMER JR

241 S. FRONTAGE ROAD BIG TIMBER, MT 59011 8030

Priority Date: JULY 23, 1915

Type of Historical Right: USE

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS

OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM.
THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY

TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR

STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND

HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: SPRING, UNNAMED TRIBUTARY OF BIG COULEE CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

ID Govt Lot Otr Sec Sec Twp Rge County

1 NWSWSE 10 3N 17E SWEET GRASS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: FLOWING

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

ID Acres Govt Lot Qtr Sec Sec Twp Rge County

1 NWSWSE 10 3N 17E SWEET GRASS

ABSTRACT OF WATER RIGHT CLAIM

MUSSELSHELL RIVER, ABOVE ROUNDUP

BASIN 40A

Water Right Number: 40A 181245-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: GEORGE L CREMER

PO BOX 276

MELVILLE, MT 59055 0276

LEO J CREMER JR

241 S. FRONTAGE ROAD BIG TIMBER, MT 59011 8030

Priority Date: JANUARY 25, 1964

Type of Historical Right: FILED

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS

OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY

TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR

STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND

HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: SPRING, UNNAMED TRIBUTARY OF BIG COULEE CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

ID Govt Lot Otr Sec Sec Twp Rge County

1 NWSWNW 10 3N 17E SWEET GRASS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: FLOWING

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

ID Acres Govt Lot Qtr Sec Sec Twp Rge County

1 NWNW 10 3N 17E SWEET GRASS